

**REMARKS****Rejection of Claims under 35 U.S.C. 112, second paragraph**

The Examiner rejected Claims 10 and 11, stating that they were indefinite because Genbank accession numbers do not necessarily remain constant.

A Substitute Sequence Listing is being submitted concurrently with this Amendment, in order to incorporate the sequences from the referenced Genbank accession numbers. Thus, the Sequence Listing to include the sequences for Genbank accession numbers L42893 and U08284 as SEQ ID NOs 85 and 86, respectively. Claims 10 and 11 have been amended accordingly, and the Specification has been similarly amended to refer to SEQ ID Nos 85 and 86.

For the record, Applicants' Attorney notes that these two Genbank accession numbers have remained constant to date, since before the present application's priority date of June 18, 1999. The record for Genbank accession number L42893 was last revised on November 29, 1996, and the record for Genbank accession number U08284 was last revised on September 15, 1994. Attached for the Examiner's reference are Exhibits A and B which detail the revision history for each accession number. In view of these considerations, it is appropriate to incorporate the sequences into the Sequence Listing.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Date: *September 22, 2005*




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Range: from  to  ☐ Reverse complemented strand Features: ☐ SNP ☐ CDD ☒ MGC ☒ HPRC

☐ 1: U08284. Reports *Borrelia burgdorferi*...[gi:469561]

[Links](#)

LOCUS BBU08284 579 bp DNA linear BCT 15-SEP-1994  
 DEFINITION *Borrelia burgdorferi* 297 outer surface protein C gene, partial cds.  
 ACCESSION U08284  
 VERSION U08284.1 GI:469561  
 KEYWORDS .  
 SOURCE *Borrelia burgdorferi* (Lyme disease spirochete)  
 ORGANISM *Borrelia burgdorferi*  
 Bacteria; Spirochaetes; Spirochaetales; Spirochaetaceae; *Borrelia*;  
*Borrelia burgdorferi* group.  
 REFERENCE 1 (bases 1 to 579)  
 AUTHORS Fung,B.P., McHugh,G.L., Leong,J.M. and Steere,A.C.  
 TITLE Humoral immune response to outer surface protein C of *Borrelia*  
*burgdorferi* in Lyme disease: role of the immunoglobulin M response  
 in the serodiagnosis of early infection  
 JOURNAL Infect. Immun. 62 (8), 3213-3221 (1994)  
 PUBMED 8039891  
 REFERENCE 2 (bases 1 to 579)  
 AUTHORS Fung,B.P.  
 TITLE Direct Submission  
 JOURNAL Submitted (02-APR-1994) Fung B. P., New England Medical Center,  
 Rheumatology, 750 Washington Street, Boston, MA 02111, USA  
 FEATURES  
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 X62162)"  
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 61 aatcttacag aaataagtaa aaaaattaca gaatctaacg cagttgttct ggctgtgaaa  
 121 gaaattgaaa ctttgcttgc atctatagat gaacttgcta cttaaagctat tggtaaaaaa




181 atacaacaaa atggtgggtt agctgtcgaa gcggggcata atggaacatt gtttagcaggt  
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Range: from  to  ☐ Reverse complemented strand    Features: ☐ SNP ☐ CDD ☒ MGC ☒ HPRD

☐ 1: [L42893](#). Reports *Borrelia burgdorferi*..[gi:858721] [Links](#)

LOCUS            BOR26OSPC                            576 bp       DNA       linear       BCT 29-NOV-1996

DEFINITION    *Borrelia burgdorferi* (strain 297) outer surface protein (ospC)  
gene, partial cds.

ACCESSION      L42893

VERSION        L42893.1    GI:858721

KEYWORDS       .

SOURCE        *Borrelia burgdorferi* (Lyme disease spirochete)

ORGANISM       *Borrelia burgdorferi*  
Bacteria; Spirochaetes; Spirochaetales; Spirochaetaceae; *Borrelia*;  
*Borrelia burgdorferi* group.

REFERENCE      1 (bases 1 to 576)

AUTHORS        Livey,I., Gibbs,C.P., Schuster,R. and Dorner,F.

TITLE           Evidence for lateral transfer and recombination in *OspC* variation  
in Lyme disease *Borrelia*

JOURNAL        Mol. Microbiol. 18 (2), 257-269 (1995)

PUBMED         8709845

FEATURES                            Location/Qualifiers

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ORIGIN

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121 gtgaaagaag ttgaaacttt gcttacatct atagatgagc ttgctaaagc tatttgtaaa

181 aaaataaaaa acgatgttag tttagataat gaggcagatc acaacggatc attaatatca

241 ggagcatatt taatttcaac attaataaca aaaaaataa gtgcaataaa agattcagga

301 gaattgaagg cagaaattga aaaggctaag aaatgttctg aagaatttac tgctaaatta

361 aaaggtgaac acacagatct tggtaaagaa ggcgttactg atgataatgc aaaaaagcc

421 atttttaaaa caaataatga taaaactaag ggcgtgatg aacttgaaaa gttatttgaa

481 tcagtaaaaa acttgtcaaa agcagctaaa gagatgctta ctaattcagt taaagagctt

541 acaagccctg ttgtggcaga aagtccaaaa aaacct

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